

THE LIVELIHOOD REGULATIONS REPORT

GANGTOK



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

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PREFACE

The Livelihood regulations report aims at documenting the livelihood regulations and barriers in the informal sector. It was conducted in 63 cities across India where the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is being implemented. This project was conducted by Centre for Public Policy Research, Cochin in partnership with Centre for Civil Society, New Delhi and is financed by Sir Dorabji Tata Trust (SDTT), Mumbai.

The report aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barber Shops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors

Gangtok pronunciation is the capital and largest town of the Indian state of Sikkim. Gangtok is located in the Sivalik Hills of the eastern Himalayan range, at an altitude of 1,437 metres (4,715 ft). The town, with a population of thirty thousand belonging to different ethnicities such as Nepalis, Lepchas and Bhutia, is administered by various departments of the Government of Sikkim. Nestled within higher peaks of the Himalaya and enjoying a year-round mild temperate climate, Gangtok is at the centre of Sikkim's tourism industry.

According to the 2001 census of India, the population of Gangtok "Notified Town Area" (a census unit) was 29,354. Males constituted 54% of the population and females 46%. The Gangtok subdivision of the East Sikkim district had a population of 1,79,376, of which 43,711 reside in urban areas comprising of Gangtok and Tadong. Gangtok has an average literacy rate of 69.7%,^[8] higher than the national average of 59.5%: male literacy is 77.9%, and female literacy is 61.5%.^[8] In Gangtok, about 8% of the population is under 6 years of age.

Hinduism and Buddhism are the most popular religions in Gangtok. Gangtok also has a sizeable Christian population and a small Muslim minority. The North East Presbyterian Church, Roman Catholic Church and Anjuman Mosque in Gangtok are places of worship for the religious minorities. The town has remained secular, having never witnessed any sort of inter-religious strife in its history. Nepali is the most widely spoken language in Sikkim as well as Gangtok. English and Hindi being the official language of Sikkim and India respectively, are also widely spoken and understood in most of Sikkim, particularly in Gangtok. Other languages spoken in Gangtok include Bhutia (Sikkimese), Tibetan and Lepcha.

Urban Development and Housing Department of the Government of Sikkim take care of the licensing in Sikkim. The present report of the livelihood regulations in the limits of Gangtok covers dhaba, vegetable sellers, cycle rickshaw, barber shop and meat Shop.

GANGTOK

The Trades under study are:

- 1. Dhaba**
- 2. Vegetable Sellers**
- 3. Barber shop**
- 4. Meat shop**
- 5. Auto rickshaw**

Introduction:

The trades in Gangtok are regulated by the Urban Development and Housing Department, Government of Sikkim based on Sikkim trade license and Miscellaneous provisions Act, 1985 and its further amendments in 2000 and 2001. Motor vehicles are regulated by Sikkim Motor Vehicle Rules 1991 and Motor vehicles Act 1998. Trade license rules define "trade" as any economic or business activity with or without the purpose of making profit."

Trade wise details are as follows:

I.Dhaba/ Eating Houses: -

As per the RTI reply, Sikkim do not have dhabas but bhojanalayas, fast food joints, restaurants for which trade license is issued by Urban Development and Housing Department. Eateries needs license from Prevention of Food Adulteration Cell, Health Department and trade license from Urban Development and Housing Department.

As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule.

License Procedure:

The applicant has to obtain license from Prevention of Food Adulteration Cell, Health Department before the issue of trade license by Urban Development and Housing Department For the license from Prevention of Food Adulteration cell, application in the prescribed form has to be submitted in the Prevention of Food Adulteration Cell. This license will be regulated as per the directions of Prevention of Food Adulteration Act.

To avail trade or hawker license from Urban Development and Housing Department, the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items. The license is issued if applicant fulfils the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-

Authority:

Department involved will depend upon the business. For eateries, Prevention of Food Adulteration Cell has a major role. Final Authority for license from Prevention of Food Adulteration Cell is secretary of health Department whereas final Authority for hawker license is Urban Development and Housing Department.

The following parts are the requirements of trade license.

Documents Required:

1. Sikkim Subject Certificate/Certificate of Identification, Residential Certificate
2. No Objection Certificate from house Owner in the house where shop is proposed to be opened
3. Occupancy Certificate of House if in notified Bazaar areas
4. Recommendation of Area M.L.A
5. Recommendation of Panchayat
6. Passport size photos
7. No Objection Certificate from Forest Department in case of location of business falls in rural areas
8. License from Prevention of Food Adulteration Cell, Health Department
9. No Objection Certificate from Forest Department for sale of forest products.

In addition trade license rules states that every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for issue of trade license. For the purpose of ascertaining the date of birth, any of the following documents should be furnished, namely: -

1. School Certificate showing the date of birth.
2. Birth Certificate issued by the Registrar of birth and death or appropriate authority as notified by the Government from time to time.

Time Prescribed:

No specific time has been prescribed; the time period sometime varies from six months to one year.

Fees:

Rs.550/- is to be remitted for application from and the trade items..

Issue of trade license:-

On receipt of an application and subject to the provision of these rules: -

1. A license may be issued in Form II in respect of items enumerated in Schedule I.
2. A Hawker license may be issued in Form III in respect of items enumerated in Schedule II,

3. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business.
4. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business.

License Renewal:

A trade license or hawker license issued under these rules unless suspended or cancelled earlier shall be in force only till the end of the financial year during which it is issued. An application for renewal of a license shall be made before the expiry of validity of license and the procedure for renewal is the same as detailed for granting a license. The license shall be deemed to be in force during the pendency of the disposal of the renewal application.

The trade or hawker license is issued for a period of one year. All licenses are required to be renewed on expiry of the prescribed period. In case of delay for renewing the trade or hawker license, apart from renewal fees, the trader is charged with a fine of Rs.5/- per day till the date of renewal of license.

Conditions for Renewal:

As per the trade license rules, following are the conditions for renewal:

1. The licensee shall surrender the trade license in original for renewal
2. That the licensee shall deposit the prescribed annual fee to be paid for renewal of license
3. That the licensee shall clear the toll tax payable to the Bazar Contractor, shop room rent and the ground rent payable to the Urban Development and Housing Department "
4. The licensee should be renewed within 45 days from 1st April of a year or till the date of renewal whichever is earlier
5. The licensee submitted after the prescribed period shall be charged a late fee of Rs.5/- for every day of delay

Conditions for running a Hawker business:-

1. A Hawker license shall not be issued for more than three Bazaars Provided, however, separate license fee shall be payable in respect of each bazaar
2. Issue of Hawker license will be subject to the availability of space in that particular bazaar
3. A licensee shall confine his trade within the specified market yard
4. A licensee shall not occupy more than the area earmarked by the Department for exposing his goods for sale
5. A licensee shall not raise any structure for exposing his goods for sale

Cancellation of license:-

As per the rules, license will be cancelled in following cases.

1. if the licensee fails to abide by the conditions laid down in the license;
2. If the premises of the shop has been shifted without approval of the State Government;
3. If the fire fighting equipments are not available in the shop;
4. if the container for disposing garbages and refuses is not available within the premises;
5. if any animal is kept in the shop premises or within the bazaar area without abiding by the general instruction issued by the Government from time to time;
6. if the licensee carries on or permits to be carried on, any other trade in the licensed premises, except the trade mentioned in the license;
7. if it becomes evident that the running of the trade has created a public nuisance and polluted the vicinity;
8. if it becomes evident that the information submitted in Form I is a misrepresentation of fact or mistake;
9. if the licensee fails to display a notice board containing the nature of articles which he is exposing or offering for sale in accordance with the instructions issued by the Government from time to time ;
10. If the licensee dies before expiry of the date of validity of the trade license,
11. If the licensee fails to display the original copy of license in the shop premises,
12. If the licensee does not display a board specifying trade license No, firm registration No etc, if any and name of the proprietor."
13. If it is found that licensee is not carrying on trade/operation or keeping articles of food, in accordance with the Central Rules or the State Rules framed in exercise of the powers conferred by the Prevention of Food Adulteration Act 1954 (Central Act 37 of 1954)

Provided that no order of cancellation shall be made unless the licensee has been given opportunity of making representation;

1. If it is found that the trade license has been sublet;
2. If it is found that licensee is carrying on his business in an unapproved building

Duplicate license: -

As per the rules, the authority empowered to issue a license may, for sufficient reasons, issue a duplicate license on payment of Rs.25/- with the word "Duplicate" appearing prominently therein.

Terms and Conditions:

1. Licensee shall deal only with the commodities and at place approved by Urban Development and Housing Department
2. Licensee shall not sell any adulterated commodity as defined in PFA Act.
3. Licensee shall not sublet

4. Licensee shall keep the premises neat and clean and free from any sanitary defect.
5. Licensee shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any agency or organization in plastic wrappers or plastic bags.
6. Licensee shall maintain two empty tins for the disposal of bio degradable and non-biodegradable waste products as per the provisions of the Sikkim –Non-Biodegradable Garbage (Control) Act 1997. In case the license is for a clinical purpose a separate tin shall be maintained for the disposal of bio-medical clinical waste
7. Two empty tins musty be there for the disposal of bio degradable and non-biodegradable waste products
8. License is to be displayed in a prominent place
9. The tax must be paid as assessed in the bazaar Contract License Agreement

As per the trade rules, Following are the conditions in advance

1. That you shall abide by all instructions given by the Department from time to time;
2. That you shall produce your license whenever required to do so by any officer of the Department;
3. That you shall deal only in commodities and at places mentioned in the license.
4. That you shall not close business without the approval of Local Self Government & Housing Department whether temporarily or permanently;
5. That you shall not sell any adulterant as defined in Prevention of Food Adulteration Act, 12954;
6. That you shall not display your goods(commodities) on public thoroughfares;
7. That you shall pay tax as assessed in the Bazar Contract License Agreement
8. That you shall allow any officer of the Local Self Government and Housing Department authorised by the authority empowered to issue license enter into any premises, where manufacture and/or sake if commodities is carried on

Suspension:

As per the RTI, Failure to comply with the provisions will results in suspension or cancellation of the license.

Inspection:

As per rules, in case the application for a license is for manufacture, storage or sale of any one of the articles of food, the authority having power to grant such a license shall inspect the premises and satisfy himself that the premises is free from sanitary defects. In the places when food etc intended for human consumption is stored, The Secretary or any officer authorised by the Secretary in this behalf, may at all reasonable time enter into and inspect any place in which any living thing, food or any article of food or any drug is deposited for the purpose of sale; or inspect and examine any living thing, food or any other article of food or any drug intended for human consumption which is being hawked about for sale.

Penalty:

Operation of the business without a valid trade license or a hawker license issued by the Urban Development and Housing Department will result in closure of the business and imposition of fine as per the prescribed rules. Commitment of an offence or the failure to

comply with any provisions of the Act or these rules or any direction lawfully given to him under the provision of the Act or rules shall be punished with fine which may extend to Rs.5000/- to Rs.20000/- depending upon the situation.

II. Vegetable sellers:

RTI reply from Urban Development and Housing Department, Government of Sikkim defines Vegetable seller as a person who is permitted to sell vegetables for earning income after the issue of hawker license by Urban Development and Housing Department.

Vegetable sellers need license from Prevention of Food Adulteration Cell, Health Department and trade license from Urban Development and Housing Department.

As per trade license rules, no person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rules.

License Procedure:

The applicant has to obtain license from Prevention of Food Adulteration Cell, Health Department before the issue of trade license by Urban Development and Housing Department. For the license from Prevention of Food Adulteration cell, application in the prescribed form has to be submitted in the Prevention of Food Adulteration Cell. This license will be regulated as per the directions of Prevention of Food Adulteration Act.

To avail trade or hawker license from Urban Development and Housing Department, the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items. The license is issued if applicant fulfils the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-

Authority:

Department involved will depend upon the business. For vegetable sellers, Prevention of Food Adulteration Cell has a major role. Final Authority for license from Prevention of Food Adulteration Cell is secretary of health Department whereas final Authority for hawker license is Urban Development and Housing Department.

The following parts are the requirements of trade license.

Documents Required:

1. Sikkim Subject Certificate/Certificate of Identification, Residential Certificate
2. No Objection Certificate from house Owner in the house where shop is proposed to be opened
3. Occupancy Certificate of House if in notified Bazaar areas.
4. Recommendation of Area M.L.A
5. Recommendation of Panchayat
6. Passport size photos
7. No Objection Certificate from Forest Department in case of location of business falls in rural areas

8. License from Prevention of Food Adulteration Cell, Health Department
9. No Objection Certificate from Forest Department for sale of forest products

In addition trade license rules states that every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for issue of trade license. For the purpose of ascertaining the date of birth, any of the following documents should be furnished, namely: -

1. School Certificate showing the date of birth.
2. Birth Certificate issued by the Registrar of birth and death or appropriate authority as notified by the Government from time to time.

Time Prescribed:

No specific time has been prescribed; the time period sometime varies from six months to one year.

Fees:

Rs.110/- is to be remitted for application from and the trade items.

Issue of trade license:-

On receipt of an application and subject to the provision of these rules:-

1. A license may be issued in Form II in respect of items enumerated in Schedule I.
2. a Hawker license may be issued in Form III in respect of items enumerated in Schedule II,
3. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business.
4. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business.

License Renewal:

A trade license or hawker license issued under these rules unless suspended or cancelled earlier shall be in force only till the end of the financial year during which it is issued. An application for renewal of a license shall be made before the expiry of validity of license and the procedure for renewal is the same as detailed for granting a license. The license shall be deemed to be in force during the pendency of the disposal of the renewal application.

The trade or hawker license is issued for a period of one year. All licenses are required to be renewed on expiry of the prescribed period. In case of delay for renewing the trade or hawker license, apart from renewal fees, the trader is charged with a fine of Rs.5/- per day till the date of renewal of license.

Conditions for renewal of licenses :-

As per the trade license rules, following are the conditions for renewal:

1. The licensee shall surrender the trade license in original for renewal

2. That the licensee shall deposit the prescribed annual fee to be paid for renewal of license
3. That the licensee shall clear the toll tax payable to the Bazar Contractor, shop room rent and the ground rent payable to the Urban Development and Housing Department "
4. The licensee should be renewed within 45 days from 1st April of a year or till the date of renewal whichever is earlier
5. The licensee submitted after the prescribed period shall be charged a late fee of Rs.5/- for every day of delay

Cancellation:

1. If the licensee dies before expiry of the date of validity of the trade license
2. If the licensee fails to display the original copy of license in the shop premises
3. if the licensee does not display a board specifying trade license No, firm registration No, if any and name of the proprietor."

Conditions for running a Hawker business:-

1. A Hawker license shall not be issued for more than three Bazaars Provided, however, separate license fee shall be payable in respect of each bazaar
2. Issue of Hawker license will be subject to the availability of space in that particular bazaar
3. A licensee shall confine his trade within the specified market yard
4. A licensee shall not occupy more than the area earmarked by the Department for exposing his goods for sale
5. A licensee shall not raise any structure for exposing his goods for sale

Terms and Conditions for license:

1. Licensee shall deal only with the commodities and at place approved by Urban Development and Housing Department
2. Licensee shall not sell any adulterated commodity as defined in PFA Act
3. Licensee shall not sublet
4. Licensee shall keep the premises neat and clean and free from any sanitary defect.
5. Licensee shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any agency or organization in plastic wrappers or plastic bags
6. Licensee shall maintain two empty tins for the disposal of bio degradable and non-biodegradable waste products as per the provisions of the Sikkim –Non-Biodegradable Garbage (Control) Act 1997. In case the license is for a clinical purpose a separate tin shall be maintained for the disposal of bio-medical clinical waste
7. Two empty tins musty be there for the disposal of bio degradable and non-biodegradable waste products
8. License is to be displayed in a prominent place
9. The tax must be paid as assessed in the bazaar Contract License Agreement

As per the trade rules, Following are the conditions in advance.

1. That you shall abide by all instructions given by the Department from time to time;

2. That you shall produce your license whenever required to do so by any officer of the Department;
3. That you shall deal only in commodities and at places mentioned in the license.
4. That you shall not close business without the approval of Local Self Government & Housing Department whether temporarily or permanently;
5. That you shall not sell any adulterant as defined in Prevention of Food Adulteration Act, 12954;
6. That you shall not display your goods (commodities) on public thoroughfares;
7. That you shall pay tax as assessed in the Bazar Contract License Agreement.
8. That you shall allow any officer of the Local Self Government and Housing Department authorised by the authority empowered to issue license enter into any premises, where manufacture and/or sale of commodities is carried on

Suspension:

As per the RTI, Failure to comply with the provisions will result in suspension or cancellation of the license.

Inspection:

As per rules, in case the application for a license is for manufacture, storage or sale of any one of the articles of food, the authority having power to grant such a license shall inspect the premises and satisfy himself that the premises is free from sanitary defects. In the places when food etc. intended for human consumption is stored, The Secretary or any officer authorised by the Secretary in this behalf, may at all reasonable time enter into and inspect any place in which any living thing, food or any article of food or any drug is deposited for the purpose of sale; or inspect and examine any living thing, food or any other article of food or any drug intended for human consumption which is being hawked about for sale.

Penalty:

Operation of the business without a valid trade license or a hawker license issued by the Urban Development and Housing Department will result in closure of the business and imposition of fine as per the prescribed rules. Commitment of an offence or the failure to comply with any provisions of the Act of these rules or any direction lawfully given to him under the provision of the Act or rules shall be punished with fine which may extend to Rs.5000/- to Rs.20000/- depending upon the situation.

III.Meat Shop: -

RTI reply from Urban Development and Housing Department, Government of Sikkim defines Meat Shop as a place where meat is sold by vendors for earning income after obtaining valid license from Urban Development and Housing Department.

Traders running for meat shop needs license from Prevention of Food Adulteration Cell, Health Department, license from Animal Husbandary and veterinary services department and trade license from Urban Development and Housing Department.

As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule.

Procedure:

The applicant has to obtain license from Prevention of Food Adulteration Cell Health Department, Animal Husbandry and veterinary services department and before the issue of trade license by Urban Development and Housing Department. For the license from Prevention of Food Adulteration cell, application in the prescribed form has to be submitted in the Prevention of Food Adulteration Cell. These licenses will be regulated as per the directions of Prevention of Food Adulteration Act and the regulations of veterinary services.

To avail trade or hawker license from Urban Development and Housing Department, the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items. The license is issued if applicant fulfills the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-

Authority:

Department involved will depend upon the business. For meat shop, Prevention of Food Adulteration Cell has a major role. Final Authority for license from Prevention of Food Adulteration Cell is secretary of health Department whereas final Authority for hawker license is Urban Development and Housing Department.

The following parts are the requirements of trade license.

Documents Required:

1. Sikkim Subject Certificate/Certificate of Identification, Residential Certificate.
2. No Objection Certificate from house Owner in the house where shop is proposed to be opened
3. Occupancy Certificate of House if in notified Bazaar areas
4. Recommendation of Area M.L.A
5. Recommendation of Panchayat
6. Passport size photos
7. No Objection Certificate from Forest Department in case of location of business in rural areas
8. License from Prevention of Food Adulteration Cell, Health Department
9. License from Animal Husbandry & veterinary services for meat shop
10. No Objection Certificate from Forest Department for sale of forest products

In addition trade license rules states that every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for issue of trade license. For the purpose of ascertaining the date of birth, any of the following documents should be furnished, namely: -

1. School Certificate showing the date of birth
2. Birth Certificate issued by the Registrar of birth and death or appropriate authority as notified by the Government from time to time

Time Prescribed:

No specific time has been prescribed; the time period sometime varies from six months to one year

Fees:

Rs.330/- is to be remitted for application from and the trade items.

Issue of trade license: -

On receipt of an application and subject to the provision of these rules:-

1. A license may be issued in Form II in respect of items enumerated in Schedule I
2. A Hawker license may be issued in Form III in respect of items enumerated in Schedule II,
3. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business
4. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business

License Renewal:

A trade license or hawker license issued under these rules unless suspended or cancelled earlier shall be in force only till the end of the financial year during which it is issued. An application for renewal of a license shall be made before the expiry of validity of license and the procedure for renewal is the same as detailed for granting a license. The license shall be deemed to be in force during the pendency of the disposal of the renewal application.

The trade or hawker license is issued for a period of one year. All licenses are required to be renewed on expiry of the prescribed period. In case of delay for renewing the trade or hawker license, apart from renewal fees, the trader is charged with a fine of Rs.5/- per day till the date of renewal of license.

As per the trade license rules, following are the conditions for renewal:

1. The licensee shall surrender the trade license in original for renewal
2. That the licensee shall deposit the prescribed annual fee to be paid for renewal of license
3. That the licensee shall clear the toll tax payable to the Bazar Contractor, shop room rent and the ground rent payable to the Urban Development and Housing Department "
4. The licensee should be renewed within 45 days from 1st April of a year or till the date of renewal whichever is earlier
5. The licensee submitted after the prescribed period shall be charged a late fee of Rs.5/- for every day of delay

Terms and Conditions:

1. Licensee shall deal only with the commodities and at place approved by Urban Development and Housing Department
2. Licensee shall not sell any adulterated commodity as defined in PFA Act.

3. Licensee shall not sublet
4. Licensee shall keep the premises neat and clean and free from any sanitary defect
5. Licensee shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any agency or organization in plastic wrappers or plastic bags
6. Licensee shall maintain two empty tins for the disposal of bio degradable and non-biodegradable waste products as per the provisions of the Sikkim –Non-Biodegradable Garbage (Control) Act 1997. In case the license is for a clinical purpose a separate tin shall be maintained for the disposal of bio-medical clinical waste
7. Two empty tins musty be there for the disposal of bio degradable and non-biodegradable waste products
8. License is to be displayed in a prominent place
9. The tax must be paid as assessed in the bazaar Contract License Agreement

As per the trade rules, following are the conditions in advance.

1. That you shall abide by all instructions given by the Department from time to time;
2. That you shall produce your license whenever required to do so by any officer of the Department;
3. That you shall deal only in commodities and at places mentioned in the license.
4. That you shall not close business without the approval of Local Self Government & Housing Department whether temporarily or permanently;
5. That you shall not sell any adulterant as defined in Prevention of Food Adulteration Act, 12954;
6. That you shall not display your goods(commodities) on public thoroughfares;
7. That you shall pay tax as assessed in the Bazar Contract License Agreement.
8. That you shall allow any officer of the Local Self Government and Housing Department authorised by the authority empowered to issue license enter into any premises, where manufacture and/or sake if commodities is carried on.

Suspension:

As per the RTI, Failure to comply with the provisions will results in suspension or cancellation of the license.

Inspection:

As per rules, in case the application for a license is for manufacture, storage or sale of any one of the articles of food, the authority having power to grant such a license shall inspect the premises and satisfy himself that the premises is free from sanitary defects. In the places when food etc. intended for human consumption is stored, The Secretary or any officer authorised by the Secretary in this behalf, may at all reasonable time enter into and inspect any place in which any living thing, food or any article of food or any drug is deposited for the purpose of sale; or inspect and examine any living thing, food or any other article of food or any drug intended for human consumption which is being hawked about for sale.

Penalty:

Operation of the business without a valid trade license or a hawker license issued by the Urban Development and Housing Department will result in closure of the business and imposition of fine as per the prescribed rules. Commitment of an offence or the failure to

comply with any provisions of the Act of these rules or any direction lawfully given to him under the provision of the Act or rules shall be punished with fine which may extend to Rs.5000/- to Rs.20000/- depending upon the situation.

IV.Barber Shop: -

RTI reply from Urban Development and Housing Department, Government of sikkim defines barber shop as a place where barber is cutting hair after obtaining valid license from Urban Development and Housing Department.

As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule.

Procedure:

The applicant has to obtain trade or hawker license from Urban Development and Housing Department. For that the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items. The license is issued if applicant fulfils the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-

Authority:

Department involved will depend upon the business. Final Authority for trade/ hawker license is Urban Development and Housing Department. The following parts are the requirements of trade license.

Documents Required:

1. Sikkim Subject Certificate/Certificate of Identification, Residential Certificate.
2. No Objection Certificate from house Owner in the house where shop is proposed to be opened
3. Occupancy Certificate of House if in notified Bazaar areas.
4. Recommendation of Area M.L.A
5. Recommendation of Panchayat
6. Passport size photos
7. No Objection Certificate from Forest Department in case of location of business in rural areas

In addition trade license rules states that every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for issue of trade license. For the purpose of ascertaining the date of birth, any of the following documents should be furnished, namely: -

1. School Certificate showing the date of birth.
2. Birth Certificate issued by the Registrar of birth and death or appropriate authority as notified by the Government from time to time.

Time Prescribed:

No specific time has been prescribed; the time period sometime varies from six months to one year.

Fees:

Rs.220/- is to be remitted for application from and the trade items.

Issue of trade license:-

On receipt of an application and subject to the provision of these rules:-

1. A license may be issued in Form II in respect of items enumerated in Schedule I
2. A Hawker license may be issued in Form III in respect of items enumerated in Schedule II,
3. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business
4. A copy of the license may be supplied to the District Collector having jurisdiction over the place where the licensee carries on his business

License Renewal:

A trade license or hawker license issued under these rules unless suspended or cancelled earlier shall be in force only till the end of the financial year during which it is issued. An application for renewal of a license shall be made before the expiry of validity of license and the procedure for renewal is the same as detailed for granting a license. The license shall be deemed to be in force during the pendency of the disposal of the renewal application.

The trade or hawker license is issued for a period of one year. All licenses are required to be renewed on expiry of the prescribed period. In case of delay for renewing the trade or hawker license, apart from renewal fees, the trader is charged with a fine of Rs.5/- per day till the date of renewal of license.

As per the trade license rules, following are the conditions for renewal:

1. The licensee shall surrender the trade license in original for renewal
2. That the licensee shall deposit the prescribed annual fee to be paid for renewal of license
3. That the licensee shall clear the toll tax payable to the Bazar Contractor, shop room rent and the ground rent payable to the Urban Development and Housing Department "
4. The licensee should be renewed within 45 days from 1st April of a year or till the date of renewal whichever is earlier
5. The licensee submitted after the prescribed period shall be charged a late fee of Rs.5/- for every day of delay

Terms and Conditions:

1. Licensee shall deal only with the commodities and at place approved by Urban Development and Housing Department
2. Licensee shall not sell any adulterated commodity as defined in PFA Act.

3. Licensee shall not sublet.
4. Licensee shall keep the premises neat and clean and free from any sanitary defect.
5. Licensee shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any agency or organization in plastic wrappers or plastic bags.
6. Licensee shall maintain two empty tins for the disposal of bio degradable and non-biodegradable waste products as per the provisions of the Sikkim –Non-Biodegradable Garbage (Control) Act 1997. In case the license is for a clinical purpose a separate tin shall be maintained for the disposal of bio-medical clinical waste.
7. Two empty tins musty be there for the disposal of bio degradable and non-biodegradable waste products
8. License is to be displayed in a prominent place.
9. The tax must be paid as assessed in the bazaar Contract License Agreement.

As per the trade license rules, Following are the conditions in advance.

1. That you shall abide by all instructions given by the Department from time to time;
2. That you shall produce your license whenever required to do so by any officer of the Department;
3. That you shall deal only in commodities and at places mentioned in the license.
4. That you shall not close business without the approval of Local Self Government & Housing Department whether temporarily or permanently;
5. That you shall not sell any adulterant as defined in Prevention of Food Adulteration Act, 12954;
6. That you shall not display your goods(commodities) on public thoroughfares;
7. That you shall pay tax as assessed in the Bazar Contract License Agreement.
8. That you shall allow any officer of the Local Self Government and Housing Department authorised by the authority empowered to issue license enter into any premises, where manufacture and/or sake if commodities is carried on

Suspension:

As per the RTI, Failure to comply with the provisions will results in suspension or cancellation of the license.

Penalty:

Operation of the business without a valid trade license or a hawker license issued by the Urban Development and Housing Department will result in closure of the business and imposition of fine as per the prescribed rules. Commitment of an offence or the failure to comply with any provisions of the Act of these rules or any direction lawfully given to him under the provision of the Act or rules shall be punished with fine which may extend to Rs.5000/- to Rs.20000/- depending upon the situation

V.Auto Rickshaw:

In sikkim Permits for contract carriages are regulated by Sikkim Motor Vehicle Rules, 1991 and Motor Vehicles Act 1988. So permits for auto Rickshaws are also are regulated by Sikkim Motor Vehicle Rules, 1991 and Motor Vehicles Act 1988. Following are the procedures of Auto rickshaw as per Motor Vehicles Act 1988.

As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority or the secretary of Regional Transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle

Permit Procedure:

For an auto Rickshaw, permit for the vehicle and license for driver is needed. Permits are issued for the vehicle but license is issued to a person to drive a vehicle. A taxi meter is to be attached with the vehicle. Application shall be submitted in the prescribed Form with prescribed fees and the permit fees of and also produce the necessary documents.

Authority issuing City Permit:

Regional Transport Authority is the authority to grant Permits.

Documents Required:

Documents of registration, fitness certificate, insurance certificate etc is required.

Permit Fees:

As per the information provided in the website of the Motor Vehicles Department of Government of India, the fees in respect of permits for contract carriages is Rs.100/-

Renewal Of permits:

As per Section 81 of The Motor vehicles Act 1988 which deals with the duration and renewal of permits, A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided the counter-signature where the permit is countersigned under sub-section (1) of section 88 shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

As per the section (4) Of the section 81 of the Motor Vehicles Act 1988, The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

1. The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
2. the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely Plying any vehicle without payment of tax due on such vehicle, without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle; Plying any vehicle On any unauthorized route and Making unauthorized trips.

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account: Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

Terms and conditions:

One is supposed to follow the section 74 of Motor Vehicles Act 1988.

Penalty:

An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. As per Section 192A of the Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

FINDINGS FROM THE STUDY

General Findings:

1. The trades in Gangtok are regulated by the Urban Development and Housing Department, Government of Sikkim based on Sikkim trade license and Miscellaneous provisions Act, 1985 and its further amendments in 2000 and 2001. Motor vehicles are regulated by Sikkim Motor Vehicle Rules 1991 and Motor vehicles Act 1998
2. Trade license rules defines "trade" as any economic or business activity with or without the purpose of making profit"

Trade wise Findings:

Dhaba/ Eating Houses and Vegetable sellers:

1. As per the RTI reply, Sikkim does not have dhabas but bhojanalayas, fast food joints, restaurants for which trade license is issued by Urban Development and Housing Department
2. Eateries needs license from Prevention of Food Adulteration Cell, Health Department and trade license from Urban Development and Housing Department
3. RTI reply from Urban Development and Housing Department, Government of sikkim defines Vegetable seller as a person who is permitted to sell vegetables for earning income after the issue of hawker license by Urban Development and Housing Department
4. Vegetable sellers needs license from Prevention of Food Adulteration Cell, Health Department and trade license from Urban Development and Housing Department
5. As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule
6. As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule
7. The applicant has to obtain license from Prevention of Food Adulteration Cell, Health Department before the issue of trade license by Urban Development and Housing Department
8. For the license from Prevention of Food Adulteration cell, application in the prescribed form has to be submitted in the Prevention of Food Adulteration Cell. This license will be regulated as per the directions of Prevention of Food Adulteration Act
9. To avail trade or hawker license from Urban Development and Housing Department, the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items
10. The license is issued if applicant fulfils the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-

11. Department involved will depend upon the business. For vegetable sellers, Prevention of Food Adulteration Cell has a major role. Final Authority for license from Prevention of Food Adulteration Cell is secretary of health Department whereas final Authority for hawker license is Urban Development and Housing Department
12. No Objection Certificate from house Owner in the house where shop is proposed to be opened., Occupancy Certificate of House if in notified Bazaar areas, Recommendation of Area M.L.A., Recommendation of Panchayat., Passport size photos. License from Prevention of Food Adulteration Cell, Health Department. Etc is needed
13. trade license rules states that every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for issue of trade license
14. license will be issued as per the guidelines in rules
15. An application for renewal of a license shall be made before the expiry of validity of license and the procedure for renewal is the same as detailed for granting a license
16. The license shall be deemed to be in force during the pendency of the disposal of the renewal application
17. In case of delay for renewing the trade or hawker license, apart from renewal fees, the trader is charged with a fine of Rs.5/- per day till the date of renewal of license
18. License is renewed based on the conditions for renewal prescribed in rules
19. Hawkers has to follow the conditions for hawkers prescribed in rules
20. Cancellation will be in accordance of conditions prescribed in rules
21. Licensee is supposed to follow the terms and conditions prescribed as per trade license rules
22. As per rules, in case the application for a license is for manufacture, storage or sale of any one of the articles of food, the authority having power to grant such a license shall inspect the premises and satisfy himself that the premises is free from sanitary defects. In the places when food etc. intended for human consumption is stored, The Secretary or any officer authorised by the Secretary in this behalf, may at all reasonable time enter into and inspect any place in which any living thing, food or any article of food or any drug is deposited for the purpose of sale; or inspect and examine any living thing, food or any other article of food or any drug intended for human consumption which is being hawked about for sale
23. Operation of the business without a valid trade license or a hawker license issued by the Urban Development and Housing Department will result in closure of the business and imposition of fine as per the prescribed rules. Commitment of an offence or the failure to comply with any provisions of the Act of these rules or any direction lawfully given to him under the provision of the Act or rules shall be punished with fine which may extend to Rs.5000/- to Rs.20000/- depending upon the situation

Meat Shop:

1. RTI reply from Urban Development and Housing Department, Government of sikkim defines Meat Shop as a place where meat is sold by vendors for earning income after obtaining valid license from Urban Development and Housing Department
2. Traders running for meat shop needs license from Prevention of Food Adulteration Cell, Health Department and trade license/ from Urban Development and Housing Department.
3. The applicant has to obtain license from Prevention of Food Adulteration Cell Health Department, Animal Husbandary and veterinary services department and before the issue of trade license by Urban Development and Housing Department.

For the license from Prevention of Food Adulteration cell, application in the prescribed form has to be submitted in the Prevention of Food Adulteration Cell. These licenses will be regulated as per the directions of Prevention of Food Adulteration Act and the regulations of veterinary services.

4. License from Animal Husbandry & veterinary services for meat shop is needed. Other procedures are same as dhabas

Barber Shop: -

1. RTI reply from Urban Development and Housing Department, Government of sikkim defines barber shop as a place where barber is cutting hair after obtaining valid license from Urban Development and Housing Department
2. As per trade license rules, No person shall manufacture, store, sell, exhibit for sale, use or permits to be used any place for the purpose of trade of any goods or commodity as enumerated in Schedule I or Schedule II as the case may be, except under a License issued under these rule
3. The applicant has to obtain trade or hawker license from Urban Development and Housing Department. For that the applicant has to submit an application in the prescribed form along with relevant documents required as per the trade items.
4. The license is issued if applicant fulfils the criteria's laid down for the issue of trade license or hawker license. The application in the prescribed form can be availed after depositing Bank receipt of Rs.20/-
5. Final Authority for trade / hawker license is Urban Development and Housing Department
6. Other procedures are same as of vegetable sellers

Auto Rickshaw:

1. Auto Rickshaws are regulated by sikkim Motor Vehicle Rules and Motor Vehicles Act 1988 .
2. Difficult to access Motor Vehicle Rules
3. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities
4. As per Section 66 of Motor Vehicles Act, 1988, permit is necessary
5. License is needed for a driver whereas permit is need for a vehicle
6. The Transport Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Regional transport Authority or the secretary of regional transport Authority deals with the issue of permits
7. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
8. An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. Transport Vehicles plying without Permit will be ceased and detained
9. The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being
10. Conditions of Permit is as per the section 74 of the Motor Vehicles Act 1988. The contract carriages should ply in the route or area for which the permit has been issued .The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being